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REMARKS

In the Office Action, the Examiner rejected claims 1-19, 21, 24-35, 37, 39-53, 55 and 56. Claims 20, 22, 23, 36, 38 and 54 remain withdrawn from consideration. By this Response, Applicants amended claims 1, 12, 17, 31, 43 and 49-51. No new matter has been added by the foregoing amendments. In view of the foregoing amendments and following remarks, the Applicants respectfully request reconsideration and allowance of the present application.

Claim Rejections – 35 U.S.C. § 112, Second Paragraph

The Examiner rejected claims 11-14 and 53 under U.S.C. § 112, Second Paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicants regard as the invention. The Applicants respectfully traverse this rejection.

The Applicants respectfully stress that, although the Examiner may take exception to the terms used in the claims, the patentee may be his own lexicographer. *Ellipse Corp. v. Ford Motor Co.*, 171 U.S.P.Q. 513 (7th Cir. 1971), *aff'd*, 613 F.2d 775 (7th Cir. 1979), *cert. denied*, 446 U.S. 939 (1980). The terms employed in the claims are clearly described in the specification, which provides adequate teaching for one skilled in the art to make and use the claimed invention. The Examiner is also reminded not to equate breadth of a claim with indefiniteness. *In re Miller*, 441 F.2d 689, 169 U.S.P.Q. 597 (C.C.P.A. 1971). For these reasons, the Applicants believe at least some of the Examiner's rejections are improper.

In claims 11 and 12, the Examiner objected to the phrases "conduits comprise a desired pair of the first chamber" and "conduits comprise a variable volume chamber assembly", respectively, as unclear. The Examiner further argued that the conduits do not comprise these elements as part of their makeup. Applicants do not understand the basis

of the Examiner's rejection. Regarding claim 11, Applicants note that the desired chambers (not the conduits) comprise a desired pair, as specifically recited in the claim. To clarify the latter claim, Applicants amended claim 12 to recite "a variable volume chamber assembly disposed along each of the first and second conduits." These features are believed to be clear in light of the claim as a whole.

In claims 13 and 14, the Examiner objected to the phrase "variable volume chamber comprises a diaphragm" as unclear. The Applicants respectfully remind the Examiner that the patentee may be his own lexicographer. *Ellipse Corp. v. Ford Motor Co.*, 171 U.S.P.Q. 513. Again, Applicants do not understand the basis of the Examiner's rejection. Applicants maintain that the terms "variable volume chamber" and "diaphragm" are clear in light of the claim as a whole.

In claim 53, the Examiner argued that "it is unclear to claim that the conduit is intercoupled to first chambers of a first pair." Again, Applicants do not understand the basis of the Examiner's rejection. The Examiner is respectfully reminded not to equate breadth of a claim with indefiniteness. *In re Miller*, 441 F.2d 689. Applicants maintain that claim 53 is clear in light of the claim as a whole.

In claims 49-53, 55 and 56, the Examiner objected to the phrase "intercoupling chambers of a plurality of the piston-cylinder assemblies" as lacking proper antecedent basis. As suggested by the Examiner, Applicants amended claims 49-50 to clarify the claimed features and to expedite allowance of the present application.

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner withdraw the rejections under Section 112, Second Paragraph.

Claim Rejections – 35 U.S.C. § 102(b)

The Examiner rejected independent claims 1, 17, 31, 43 and 49, and dependent claims 2-5, 10-12, 15, 18-19, 21, 28, 32-35, 37, 39-42, 44-48, 50, 53, 55 and 56 under U.S.C. § 102(b) as anticipated by MacLeod (U.S. Patent No. 5,794,966). Applicants respectfully traverse this rejection.

Anticipation under section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under section 102, a single reference must teach each and every limitation of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Accordingly, the Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter. The prior art reference also must show the *identical* invention “*in as complete detail as contained in the ... claim*” to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989).

The present invention relates generally to the field of linkage control systems and, more particularly, to stabilizers for vehicle suspension systems. As discussed in the background of the present application, most vehicles have a combination of linkages, shock absorbers, and stabilizer members arranged in a standard suspension architecture. In general, the linkages facilitate movement of the wheels relative to the vehicle, the shock absorbers provide cushioning between the linkages and the vehicle, while the stabilizer members are provided to distribute a load between the various linkages for balancing the vehicle. (Application, Page 1, lines 12-19).

Turning to the claims, amended independent claims 1, 17 and 49 disclose piston-cylinder assemblies and suspension members for “*crosswise stabilization, independent from shock absorption.*” Similarly, amended independent claim 31 recites piston-cylinder assemblies coupled to suspension members “*separate from a shock absorption system*” to provide “stabilization between the plurality of movable suspension members.” Further, amended independent claim 43 recites “cross-balancing orientations, *separate from absorbing shock.*”

In contrast, the MacLeod reference discloses “a method of fluidly interconnecting modified tubular hydraulic *shock absorbers* comprising the suspension system in a manner facilitating various modes of suspension performance.” (Column 1, lines 7-14). The MacLeod reference further teaches that “*shock absorbers*” are *integral* to the disclosed vehicular suspension system. (Column 3, lines 22-35 and 49-53). The Abstract of the MacLeod reference discloses a “vehicular suspension system having *at least one pair of shock absorbers.*” Additionally, MacLeod teaches away from a technique that is *independent* from shock absorption. (See column 1, lines 24-27).

For these reasons, the MacLeod reference fails to teach each and every element as recited in the independent claims 1, 17, 31, 43, and 49. Therefore, the cited reference cannot anticipate the instant claims. The MacLeod reference also fails to teach or suggest the unique features recited in claims 2-5, 10-12, 15, 18, 19, 21, 28, 32-35, 37, 39-42, 44-48, 50, 53, 55 and 56, which depend from amended independent claims 1, 17, 31, 43 and 49. Accordingly, the foregoing dependent claims are believed to be patentably distinct over the MacLeod reference for the reasons provided above and also for additional unique features recited in the subject claims.

In view of the foregoing amendments and remarks, the Applicants respectfully request that the Examiner withdraw the rejections of claims 1-5, 10-12, 15, 17-19, 21, 28, 31-35, 37, 39-50, 53, 55 and 56 under 35 U.S.C. § 102(b).

Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected claims 6-9, 14, 24-27, 30, 51 and 52 under 35 U.S.C. § 103(a) as unpatentable over MacLeod in view of de Molina (U.S. Patent No. 5,823,306). Additionally, the Examiner rejected claims 13 and 29 under 35 U.S.C. § 103(a) as unpatentable over MacLeod in view of Lutz (U.S. Patent No. 3,625,321). Further, the Examiner rejected claim 16 under 35 U.S.C. § 103(a) as unpatentable over MacLeod. Applicants note that each of the foregoing claims 6-9, 13, 14, 16, 24-27, 29, 30, 51 and 52 depend from one of the independent claims 1, 17 and 49, which are not subject to these Section 103 rejections. First, the Applicants reiterate that MacLeod neither teaches nor suggests (explicitly or inherently) the present technique, as recited in independent claims 1, 17 and 49. Second, the additional references cited by Examiner do not obviate the deficiencies of the MacLeod reference. Third, there is no motivation or suggestion to combine the cited references.

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (P.T.O. Bd. App. 1979). If the Examiner combines the teachings of the prior art to produce the claimed invention, a *prima facie* case of obviousness cannot be established absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985). When

prior art references require a selected combination to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gained from the invention itself, i.e., something in the prior art as a whole must suggest the desirability, and thus the obviousness, of making the combination. *Uniroyal Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 U.S.P.Q.2d 1434 (Fed. Cir. 1988).

First Rejection Under Section 103(a)

Turning first to the claims, amended independent claims 1, 17 and 49 disclose piston-cylinder assemblies and suspension members for “crosswise stabilization, *independent from shock absorption.*” Similarly, amended independent claim 31 recites piston-cylinder assemblies coupled to suspension members “*separate from a shock absorption system*” to provide “stabilization between the plurality of movable suspension members.” Further, amended independent claim 43 recites “cross-balancing orientations, *separate from absorbing shock.*”

Regarding the primary reference, MacLeod discloses “a method of fluidly interconnecting modified tubular hydraulic *shock absorbers* comprising the suspension system in a manner facilitating various modes of suspension performance.” (Column 1, lines 7-14). The present claims explicitly separate stabilizers from shock absorbers, whereas MacLeod teaches the shock absorbers as an integral component of the suspension system. (Column 3, lines 22-35 and 49-53). Thus the MacLeod reference teaches away from the claimed features recited above in each of the independent claims.

Turning to the secondary reference, de Molina does not obviate the deficiencies of MacLeod. In fact, the Examiner relies on the de Molina reference only for its alleged teaching of an intermediate chamber. (Paper 7, Page 6). Accordingly, the cited references, taken alone or in combination, do not disclose all elements of the subject claims.

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner withdraw the rejection of claims 6-9, 14, 24-27, 30, 51 and 52 under 35 U.S.C. § 103(a).

Second Rejection Under Section 103(a)

Regarding the present claims, amended independent claims 1, and 17 disclose piston-cylinder assemblies and suspension members for “crosswise stabilization, *independent from shock absorption*.” Further, dependent claims 13 and 29 respectively add to independent claims 1 and 17. Claims 13 and 29 recite a variable volume chamber and a resistance mechanism respectively, each of which further “comprises a diaphragm.”

Again, the MacLeod reference discloses “a method of fluidly interconnecting modified tubular hydraulic *shock absorbers* comprising the suspension system in a manner facilitating various modes of suspension performance.” (Column 1, lines 7-14). The present claims explicitly recite *independence of stabilizers from shock absorbers*, whereas MacLeod teaches the shock absorbers as an *integral* component of the suspension system. (Column 3, lines 22-35 and 49-53). Thus, the MacLeod reference teaches away from the claimed features recited above in each of the independent claims.

Regarding the secondary reference, Lutz does not obviate the deficiencies of the primary reference. In fact, the Examiner relies on the Lutz reference only for its alleged teaching of a diaphragm. (Paper 7, Page 7). Accordingly, the cited references, taken alone or in combination, do not disclose all elements of the subject claims.

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner withdraw the rejection of claims 13 and 29 under 35 U.S.C. § 103(a).

Third Rejection Under Section 103(a)

As discussed above, amended independent claim 1 discloses piston-cylinder assemblies and suspension members for “crosswise stabilization, *independent from shock absorption*.” Further, claim 16 depends from independent claim 1. Claim 16 recites a “set of variable volume chambers [that] comprise a gas.”

The primary MacLeod reference contrastingly discloses “a method of fluidly interconnecting modified tubular hydraulic *shock absorbers* comprising the suspension system in a manner facilitating various modes of suspension performance.” (Column 1, lines 7-14). Applicants reiterate that the present claims explicitly recite *independence of stabilizers from shock absorbers*, whereas MacLeod teaches the shock absorbers as an *integral* component of the suspension system. (Column 3, lines 22-35 and 49-53). Thus, the MacLeod reference teaches away from the claimed features recited above in each of the independent claims. For this reason, regardless of the medium within the claimed piston-cylinder assemblies, the present claims are not obvious in view of the cited reference.

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner withdraw the rejection of claim 16 under 35 U.S.C. § 103(a).

Conclusion

The Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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